

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 55

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed: November 25, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

EARL A. E. LUND, ROBERT C. PARKER,
IAN R. SHANKLAND,
Junior Party,
(Patents 5,672,294 and 5,677,358)
v.

BARBARA H. MINOR
Senior Party
(Application 08/609,183).

Patent Interference No. 104,749

Before: SCHAFER, TIERNEY and NAGUMO, Administrative Patent Judges.
TIERNEY, Administrative Patent Judge.

FINAL JUDGMENT

This interference involves a single count, Count 1. Minor has two pending claims that correspond to Count 1, i.e., claims 17 and 18. (Notice Declaring Interference, Paper No. 1, p. 6). Minor has requested entry of adverse judgment as to all of Minor's claims that correspond to the count. (Minor Request for Adverse Judgment, Paper No. 54). As Minor has conceded priority as to all of Minor's corresponding claims, Minor has effectively abandoned the contest as to Count

1. Upon consideration of the record, it is:

ORDERED that judgment on priority as to Count 1 (Notice Declaring Interference, Paper No. 1, page 6), the sole count in the interference, is awarded ***against*** Senior Party Minor.

FURTHER ORDERED that Senior Party Minor is not entitled to a patent containing claims 17 and 18 of Minor U.S. Application No. 08/609,183.

FURTHER ORDERED that a copy of this final decision shall be placed and given a paper number in the file of Lund, U.S. Patents 5,672,294 and 5,677,358 and Minor U.S. Application No. 08/609,183.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

RICHARD E. SCHAFFER
Administrative Patent Judge

MICHAEL P. TIERNEY
Administrative Patent Judge

MARK NAGUMO
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

cc (via Facsimile):

Attorney for Lund:

Michael R. McGurk
Mark D. Sweet
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
1300 I Street, N.W.
Washington, DC 20005-3315

Tel: 202-408-4000
Fax: 202-408-4400

Attorney for Minor:

Gerald E. Deitch
DuPont Legal
BMP 25/2320
P.O. Box 80025
Wilmington, DE 19880-0025

Tel: 302-992-5090
Fax: 302-992-2533